

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CABLE NEWS NETWORK, INC.,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Civil Action No. 1:17-cv-01167-JEB

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
COMBINED OPPOSITION TO PLAINTIFF'S CROSS-MOTION FOR SUMMARY
JUDGMENT AND REPLY IN FURTHER SUPPORT OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT, AND OPPOSITION TO PLAINTIFF'S MOTION
FOR ACCESS TO SEALED JUDICIAL RECORDS**

Defendant Federal Bureau of Investigation (“FBI”) respectfully moves the Court for a two-week extension of time to file its combined opposition to plaintiff’s cross-motion for summary judgment (Dkt. No. 70) and reply in further support of defendant’s motion for summary judgment (Dkt. No. 69), and its opposition to plaintiff’s motion for access to sealed judicial records (Dkt. No. 72). Pursuant to the Court’s Order of December 6, 2017, these filings are currently due February 15, 2019. The FBI seeks an extension until March 1, 2019. It further seeks a corresponding extension of the remaining deadline for CNN’s filings in this case until March 22, 2019. The reasons for this request are set forth below.

1. Pursuant to the schedule to which the parties had previously agreed, the FBI filed its motion for summary judgment on December 14, 2018. Plaintiff filed its combined opposition and cross-motion for summary judgment, and a motion for access to sealed judicial records, on January 18, 2019.

2. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. In the absence of an appropriation, Department of Justice attorneys and employees of the Department (including the FBI) were prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. As of January 25, 2019, after a 35-day lapse, funding was restored through February 15, 2019, for the Department of Justice (including the FBI).

3. Because of the lapse in funding and the resulting increase in backlog and loss of a week of the original response period, the FBI is not in a position to complete preparation and review of the filings listed above by the original due date of February 15, 2019. Accordingly, the FBI requests an extension of two weeks, until March 1, 2019, to submit these filings.

4. The FBI also requests that the deadline for plaintiff CNN to file its replies in support of its cross-motion for summary judgment and in support of its motion for access to sealed judicial records be extended by a commensurate period, from March 8, 2019, to March 22, 2019.

5. Counsel for the plaintiff CNN has advised Ms. Federighi by email that plaintiff consents to this schedule on the condition that defendant seek no further extensions.

WHEREFORE the FBI respectfully requests that the Court extend the due date for it to file its combined opposition to plaintiff’s cross-motion for summary judgment and reply in further support of defendant’s motion for summary judgment, and its opposition to plaintiff’s motion for access to sealed judicial records, from February 15, 2019, to March 1, 2019. It

further seeks an extension of the remaining deadline for CNN's filings in this case until March 22, 2019.

Dated: February 12, 2019

Respectfully submitted,

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